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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,414	10/01/1999	CHARLES P. THACKER	1018.011US1	6827

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CLEVELAND, OH 44114

EXAMINER

PAULA, CESAR B

ART UNIT PAPER NUMBER

2178

DATE MAILED: 08/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/410,414

Applicant(s)

THACKER ET AL.

Examiner

CESAR B PAULA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18-27 and 29-33 is/are rejected.
- 7) ☒ Claim(s) 15-17 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is responsive to the amendment filed on 6/17/2003.

**This action is made Final.**

2. In the amendment, claims 1-33 are pending in the case. Claims 1, 6, 12, 20, 23, 26, and 30 are independent claims.

### ***Claim Objections***

3. Appropriate correction has been made to claim 18. Therefore, the objections to claims 18-19 have been withdrawn.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14, 20-27, and 30-33 remain rejected under 35 U.S.C. 102(b) as being anticipated by Barker et al, hereinafter Barker (Pat.# 4,739,477, 4/19/1988).

Regarding independent claim 1, Barker discloses the division of text portion into text paragraphs. These paragraphs are flowed around non-textual objects. The paragraphs are

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flowed, and displayed into a new page, if there is an overflow of text (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 2-3 are directed towards a method for implementing the steps found in claim 1, and therefore are similarly rejected.

Regarding claim 4, which depends on claim 1, Barker discloses the pouring of text paragraphs into a series of pages organized into at least one column of text. The paragraphs are dynamically poured into the pages by assigning page breaks, to accommodate the paragraphs when they overflow page boundaries. This process is continued until all the text is depleted (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Regarding claim 5, which depends on claim 4, Barker teaches determining the maximum amount of text which can be fitted, or poured in into a line breaks to form paragraphs, pages-- slots, until all the text lines, columns, and pages have been processed (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

Claims 6-13 are directed towards a method for implementing the steps found in claims 1, 4-5, 1, 1, 1, 4-5, and therefore are similarly rejected.

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Regarding claim 14, which depends on claim 12, Barker teaches determining the maximum amount of text which can be fitted and area limited by margins—*height, and width* (c.8,L.35-67, c.12,L.1-67, fig. 11A -C).

Claims 20-27 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 1-8, and 4-5 respectively, and therefore are similarly rejected.

Claims 30-33 are directed towards a computer system for implementing the steps found in claims 6, 1, and 4-5 respectively, and therefore are similarly rejected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-19, and 29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barker, in view of Chirokas et al, hereinafter Chirokas (Pat. # 5,111,397, 5/5/1992).

Regarding claim 18, which depends on claim 12, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C).

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Barker fails to explicitly teach *determining whether a current line refers to a footnote; upon determining that the current line refers to an footnote determining whether the footnote has sufficient room on the page to fit, given already filled slots on the page; and upon determining that the footnote has sufficient room on the page to fit, accommodating the footnote at a bottom of a column on the page, decreasing in number slots of the column as required*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does, then determining whether there is available space for the footnote considering the amount of space or lines available in the page. The footnote(s) is placed at the bottom of the page column as the lines are decreasing (c.1, L.27-c.2,L.67, fig. 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Regarding claim 19, which depends on claim 18, Barker discloses the division, and pagination of text into text paragraphs, and pages. (c.12,L.1-67, c.15,L.1-c.16,L.67, fig. 11A-C). Barker fails to explicitly teach *upon determining that the footnote has insufficient room on the page to fit, postponing accommodation of the footnote to a next page*. Chirokas discloses the pagination of a document by determining whether a line corresponds to a footnote(s), if it does not, then accommodating the overflow footnotes onto the next page (c.2, L.1-c.3,L.44, fig. 1-4). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Barker, and Chirokas, because Chirokas teaches above the pagination

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of footnotes so as to place the references along with the page where they are referenced. Thereby properly laying out the footnotes in the document, along with the layout philosophy taught by Barker.

Claim 29 is directed towards a computer program product on a computer-readable medium for storing the steps found in claim 18, and therefore is similarly rejected.

#### ***Allowable Subject Matter***

8. Claims 15-17, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

9. Applicant's arguments filed 6/17/2003 have been fully considered but they are not persuasive. Concerning claims 1, 6, 12, 20, 23, 26, and 30, the Applicants notes that Barker does not teach or suggest determining a plurality of page breaks within a predetermined segment, and dynamically paginating a segment of a document (page 10, line 21-page 11, line 1). The Examiner disagrees, because Barker teaches the pagination of a document's section based upon the editing of a portion of that document. Whenever a page, containing a superblock of data, in the document is edited, and the data in the page is reformatted or reflowed onto a new page, the rest of the document from that point forward is dynamically broken up or formatted into several pages (page 12, lines 44-67, page 14, line 60- page 15, line 67).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Dynamic pagination provides for rendering of an electronic document in response of display device (e.g., PDA's, palmtop computers, hand-held computers, cellular phones...) to provide an aesthetically pleasing respective document format that is a function of particular device capabilities. Thus, pagination of a given document can vary from device to device that is employed for rendering such document. Barker et al does not teach or suggest dynamic pagination in response to device type" page 11, lines 8-14) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 18-19, and 29, the Applicants indicate that Chiriokas do not make up for the deficiencies of Barker (page 11, lines 24-27). As it has been explained above Barker teaches the dynamic pagination of a document's portion, and therefore the claims remain rejected at least based upon these justifications.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wright (Pat. # 5,704,029), Nielsen (Pat. # 5,897,644), Mercer (Pat. # 6,553,412), and Kloba et al. (Pat. # 6,553,412).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (703) 306-5543. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. However, in such a case, please allow at least one business day.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this Action should be mailed to:

Director United States Patent and Trademark Office

Washington, D.C. 20231

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Or faxed to:

- (703) 746-7238, (for **After Final** communications intended for entry)
- (703) 746-7239, (for **Formal** communications intended for entry, **except formal After Final communications**)

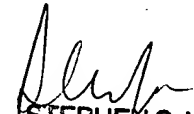
Or:

- (703) 746-7240, (for **Informal or Draft** communications for discussion only, please label "PROPOSED" or "DRAFT" ).

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**

*CBP*

8/12/03

  
STEPHEN S. HONG  
PRIMARY EXAMINER